



City of Carmel

CARMEL PLAN COMMISSION SUBDIVISION COMMITTEE

July 5, 2005

Minutes

Representing the Committee:

Dianna Knoll

Dan Dutcher

Susan Westermeier

Nicholas Rhoad

Representing the Department:

Angie Conn

Of Counsel:

John Molitor

The Subdivision Committee met to consider the following items:

1. Docket No. 050300019 PP: West Clay Colony

The applicant seeks to plat 23 lots on 40 acres. The site is located at the NE corner of Hoover Road and W. 116th Street and is zoned S1 (Residential).

Filed by Michael DeBoy.

■ **Continued to the August 2 meeting.**

2. Docket No. 05040012 PP: Abney Glen

The applicant seeks approval to plat 42 lots on 38.68 acres with the following Subdivision Waivers:

05040013 SW: 6.05.07 Dwellings facing thoroughfares

05040014 SW: 6.03.07 Cul-de-sacs

05050020 SW: 6.02 Suitability of land

The site is located at 11850 Shelborne Road and is zoned S1/Residential

Filed by Paul Shoopman for Indiana Land Development Corp.

Representing the Petitioner:

Charlie Frankenberger, Nelson and Frankenberger

Paul Shoopman
David Jackson
Jud Scott Arborist, Vine and Branch
Marty Mann

The petitioners appeared before the committee to seek subdivision waivers for the proposed development.

Petitioner Presentation

- Charlie Frankenger – 5212 Harrington Circle – Stated that by way of general background this process began with meetings of nearby residents. It was followed by subsequent meetings and then a public hearing before the plan commission on May 17th. Following that the petitioner had more meetings with nearby residents and the subdivision committee on June 7. The subject 39 acres are outlined on the two aerial photographs displayed. The site is located south of 121st and west of Shelborne Road. One aerial displayed the current conditions. The other aerial was older but had additional information on it showing other nearby subdivisions including Long Branch Estates, The Lakes at Hamilton Place a little further west, Kendall Wood, Oak Tree, and Settlebrook at Shelborne.
- Next Charlie Frankenger displayed a color rendering of the plat, which provided for 44 lots on 39 acres yielding a low density of approximately 1.1 per acre. The open space required is 15%, and the open space provided was 25%. There is significant tree preservation, which can be found in the brochures. Three waivers had been requested. One pertains to the cul-de-sac because it is greater than 600 feet. Neither the police department nor the fire department have expressed any public health safety welfare concerns.
- Another waiver that was requested was to permit a floodway to exist on certain lots. In the past the area of the floodway on the property had not been delineated by DNR, therefore, the petitioner has made a proposal through Marty Mann to DNR based upon engineering and calculations to delineate the area of the floodway. Those proposed areas that are indicated in the informational brochures show an encroachment of the floodway on certain lots. This is not a public health safety welfare issue, because these are wide lots. It is also not an unusual situation for there to be some floodways within lots. The petitioner is asking for approval of the waiver subject to the ultimate decision by DNR approving the drawing that is in the file. It is a conditional waiver. If what DNR approves is significantly different then they will return to staff and if the staff says that it is a big difference and that the petitioner needs to go back then they will come back
- The third waiver pertains to the orientation of residences and the frontage place ordinance. The residences on lots 1, 12, 13, 14, and 15 will face north toward 121st Street. The residences on lots 22-25 will face outward toward the intersection of 121st and Shelborne. The petitioner was requesting a waiver for lots 21 on which the house will face south, 26 on which the house will face north and 30 on which the house will face south. As indicated in the informational brochures, there is enhanced landscaping along Shelborne Road. The

homes on these lots like the other homes in Abney Glenn will be very upscale, and therefore the petitioner requested a waiver for the frontage place requirements for the aforementioned three lots.

- Indiana Land Development has been very sensitive to tree preservation. The petitioner displayed the tree preservation areas being outside of the red lines on the plan. The areas of tree preservation were located in the southern area, in the central portion of the plan, and along the western boundary line. Note that the tree preservation plan in the informational brochure has an error on the western boundary where it shows three spruce trees being preserved on the southern end. The petitioner has taken these trees out of the tree preservation plan in case the trees are damaged or need to be taken out during construction, but it is the intent of the petitioner to preserve them if at all possible.
- The petitioner worked very closely with Jud Scott and the neighbors of Long Branch Estates to discuss tree preservation. Jud Scott met with Scott Brewer on different occasions to obtain and incorporate into the plan his suggestions.
- In the informational brochures, one of the requests from the Long Branch Estate community was that some of the commitments be placed in writing. For the next plan commission hearing the petitioner will amend their commitments to include a tree preservation commitment. In summary it will say that while clearing of underbrush and dead and structurally unsound trees is allowed, trees within tree preservation areas won't be removed unless one of three circumstances:
 1. The trees are required to be removed by the county surveyor.
 2. Trees that pose a threat to public, health, safety, or welfare.
 3. Trees are required to be removed in order to install utilities or to install and maintain drainage infrastructure.Regarding the last exception, if the trees are removed then the trees must be replaced by trees of 2-½ inch caliber, which in aggregate equal the caliber of the removed tree. If the tree along that area is removed for utilities and it is a tree with a 5-inch diameter then they would have to replace it with 2 trees with a 2-½ inch diameter. The reason for this is because it would be very difficult to replace a tree that is required to be removed by utilities, which is 15 inches in diameter.
- Presented the landscape plan, in which the petitioner said the landscaping is significant and have shown the planting of over 500 trees and over 900 shrubs. This differs slightly from the landscape plan in the brochures because Jud Scott continues to work with Scott Brewer and they continue to receive comments. They have incorporated additional suggestions and any changes are improvements suggested by Scott Brewer.
- During the last committee meeting the aesthetics of the frontage place ordinance was discussed and the manner to which the plan responds. There was a suggestion that the

petitioner should consider the elimination of one of the subdivision entrances serving multiple lots, and replace it with a driveway that would just serve lots 15 and 16. The petitioner has done that, and what it would look like was presented on an exhibit.

- At the last meeting the residents of Long Branch asked that the petitioner address their concerns made on May 17 in a letter they read in part into the Plan Commission record and filed with the department. The petitioner summarized the letter in bullet points what the different requests, demands, concerns were and what the petitioner's responses were. This is included in the informational brochure.
- o There is one correction to that in regards to the 10-foot tree preservation area in the western boundary. The tree preservation area is actually 10 feet above north of the creek and it is 15 feet south of the creek. All of the things that they have agreed to they believe are above and beyond the requirements of the ordinance.
- Charlie Frankenberger said he thinks it is helpful in reviewing the request to consider the context that they are not asking to rezone property, that they are just asking for primary plat approval to permit a very upscale residential community. The petitioner believes Abney Glen incorporates a very high level of design with great attention to tree preservation and landscaping. The samples of the types of homes Indiana Land Development intends to build are included in the informational brochures, broken down from price point. The homes will be from \$400,000 to upward of 1 million. That concludes the petitioner presentation.
- Diana Knoll asked if the public hearing was left open and it was decided that it had been.

Members of the Public were invited to speak at this time.

- John Harris, Vice President of the Board of Directors for the Homeowners' Association from Long Branch Estates spoke on behalf of the residents of the Homeowners' Association. He received from the developer the document the members of the committee have. He will specifically focus around the areas of the petitioner's response to the requests and comments Long Branch Estates submitted to the petitioner and to the commission.
- o In the terms of preservation John Harris thinks they have submitted some language that is positive, but he would ask that the same terms of preservation that Long Branch Estates committed to with the City of Carmel be applied to the definition of preservation areas here. This puts specific language that applies not only to the developer, but any builder and any homeowner. Since much of the area that the petitioner is referencing on the southern side of the property is directly adjacent to Long Branch Estates' preservation area, he feels that this would follow and carry over consistently with the terms that the petitioner is submitting. He did not go into it specifically, but it includes what the petitioner has included plus a number of more specific items.
- o Diana Knoll asked Charlie Frankenberger if he knew of any preservation that Long Branch had.

- Charlie Frankenberger said he knew that Long Branch Estates preserved an area of trees. He did not know what the commitments were. He did know that the commitments that the petitioner will propose are going to be enforceable against the developer, the homeowners, and the homeowners' association.
 - Dianna Knoll next asked the department to pull up what they had on Long Branch Estates, and see how it compared with Abney Glen.
 - Charlie Frankenberger said that he didn't think that they permitted the clearing of underbrush, but the petitioner would like the ability to clear underbrush. He thinks it improves the aesthetics considerably.
 - The petitioner also said that along the areas that are common is one issue, but along other areas that they are defining, certain areas of underbrush do make sense as far as removal, such as bushes of poison ivy. The key is the distance requirements of foundations from preservation areas, such that there will not be any damage to the trees in the preservation areas by the construction of homes.
 - Charlie Frankenberger said that the commitments will require replacement if trees within the area are damaged or destroyed.
 - Dianna Knoll said that she is sensing willingness from the petitioner to work with this.
 - John Harris next said that he should have opened up by saying that he has found this group extremely positive to work with. He just thinks it's the "devils in the details". He just wants to firm up the details so that they can progress toward a mutually agreeable end state. Until they see some language detailing out answers to some of these issues they want to make sure they are put on the table with the committee.
 - Dianna Knoll asked if John Harris had the wording that he wants used that he can share with the petitioner.
 - John Harris said he could prepare it with them.
- John Harris's next issue is associated with the cul-de-loop area on the southern area. The cul-de-loop presently, depending on which plan you look at, does or does not have a reference to the trees or anything else. The concern they have is the distance down of the cul-de-loop, because they are afraid that there will be car lights going right into the back of two homes of Long Branch Estates. Even with minimal types of vegetation, since homes are set back on their lots there are going to be car lights going right into the back of the homes of Long Branch Estates. Not only would they like to have a few trees put in there, but they would like to suggest that the road be brought north a certain distance to allow a proper barrier so that headlights will not become a nuisance into the homeowners' properties.
- In regards to Long Branch Creek and the disturbance associated with it, John Harris thinks the petitioner's comments are favorable. Obviously the homeowners of Long Branch Estates are sensitive to runoff repair if anything does occur and the petitioner is showing an interest and commitment to meet the requirements. It is just a concern they have since a large portion of the stream goes through their development that if any damages occur that it will be properly addressed.

- John Harris next commented about the petitioner's plan to eliminate the large pond in the lot 39 area. He assumes that to do that they are going to have to drain the pond, and most likely into Long Branch Creek. The homeowners are sensitive to the problems that could be imposed by that volume of water being put into a creek, which really isn't naturally designed to handle that level of flow, except for during flood events. Also, flood events are usually diluted water, and the pond water is going to have a lot of organic material and other things in it, maybe even fish and things. One of the questions that they are asking the developer and the city is what are the restrictions/guidelines or other things that govern the discharge of a standing water body into a moving water body so that it does not impact the ecology of the moving water body.
- John Harris also mentioned the construction hours and how the response from the petitioner was vague. It says that they will comply with applicable ordinances enacted by Carmel. He asked what are those ordinances. He is concerned about the noise nuisance from construction during periods when people are trying to sleep or prior to certain hours. They submitted in their testimony at the last hearing suggested time periods, but they do not know whether that is similar to what the ordinance is or what. They would like to have some specific information as to what the really means so that they know whether the questions from the homeowners are being addressed or not.
 - o Diana Knoll asked if the department could provide an answer.
 - o Angie said that she thought when it is related to construction it can be as early as 6:30 or 7:00 in the morning. She was not sure how late in the evening it was.
 - o Charlie Frankenberger said that construction noise is limited, by ordinance carefully considered and enacted by council in 1999, before 6:00 AM and after 10:00 PM. To his knowledge there have been no restrictions in Carmel placed upon developers, including the developers of Long Branch Estates on construction, recognizing how difficult it is already to get development and construction moving at any type of uniform pace.
 - o John Harris said that what they requested was 7 AM on weekdays and 8 AM on weekends, and dusk on any day. Dusk is usually a lot earlier than 10 and how can people work safely after dusk. Unless it is inside the homes. Inside the homes it is not usually an issue of noise usually.

It was decided to have a sort of open dialogue and the petitioner was to respond to the earlier public comments.

- Charlie Frankenberger commented on tree preservation. He thinks it is helpful to recognize that all of the trees being preserved are on the Abney Glenn site. The petitioner is proposing significant tree preservation and they will consider the Long Branch Estates commitment to see if it is consistent with the development of this real estate.
- In regards to the cul-de-loop, Charlie Frankenberger said that it is an integral part of the design, and that they have already made concessions beyond which they cannot make further concessions. They have enhanced landscaping and tree preservation.

- Dianna Knoll mentioned that there would probably not be many cars going in the back area around the cul-de-loop. The cars going there will probably be very minimal.
- John Harris said that the western side of the southern portion of the loop is just a 15-foot band between the property line and people's backyards.
- Charlie Frankenberger thinks the visual exhibit is a fairly accurate representation.
- There is a bit of discussion about the vegetation existing between Long Branch Estates and the cul-de-loop.
- The petitioner presented where the cul-de-loop would be in regards to the current conditions aerial and the current homes.
- John Harris would still like to move the cul-de-loop northward and would like to make sure there is a physical barrier because he doesn't think there is a reason to go all the way to the property line for the loop.
- Charlie Frankenberger next said that in regards to Long Branch Creek, they would comply with all laws.
- Regarding construction hours, the council has enacted an ordinance and they will comply with the requirements of the ordinances and all existing laws. He also did not know of any restrictions placed on construction for Long Branch Estates.
 - John Harris replied that there were no adjacent developments to respond to for construction of Long Branch Estates.
- John Harris lastly commented about the reference made on the preservation area and the details. In discussions with their consultant Long Branch hopes the restrictions also include no man made fences be put in the preservation areas. The feedback was positive and he would just like some of these things documented.
 - Charlie Frankenberger said that there have not been any commitments that fences will not be placed in the tree preservation area, however, there is a commitment that if as a result of putting a fence in a tree preservation area trees are removed then there are penalties, which will be tree replacement. They do not want to tell the owners of the large lots that they cannot, if they want to, put up fences in their own yard.
 - John Harris thinks it is the type of fence, such as one that does not cause a visual issue. They do not want someone to build an 8 to 10 foot brick wall. He just wants to make sure that there are not a lot of visual problems and that things are documented.
 - Dianna Knoll asked if in the covenants of Abney Glenn there would be any reference to fencing and what they can or cannot do.
 - Charlie Frankenberger said they had not gotten to that point yet, but that they will reduce to writing a commitment that he read earlier in summary which will detail more about tree preservation. They have not, however extended a commitment regarding the restriction on fencing. He thinks that the aesthetics of a fence would in large part be dictated by the nature of the homes that are going to be built, and naturally prohibited by a tree preservation area.
- No other public comments

Committee Questions and Comments

- Dan Dutcher appreciated the continued dialogue between the petitioner and homeowners. He is pleased with progress made.
- Dan Dutcher thinks they are going to need to see another round of final draft commitments. He was comfortable, after discussion tonight, to forward the plan to the full commission for consideration, but there are things that need to be fine-tuned.
- Dan Dutcher next asked about the cul-de-loop. He thinks that with out too much of a hardship they should be able to provide birming, shielding, and additional landscaping to give further accommodation to the houses that would be most affected. He thinks there is an issue there and he thinks that it can be addressed without too much of a hardship
- Dan also mentioned the construction-oriented issues such as construction debris, street cleaning, and construction hours. He suggested that the developer identify a hotline number, or a contact point so that if there are problems then the residents of Long Branch could contact somebody to deal with them.
 - o John Harris agreed that a contact number would be a good idea.
- Dan Dutcher next brought up the issues that are related to the waiver regarding the orientation of the lots. He didn't necessarily see that there were any special commitments that were included that were related to those lots. In some other developments where a waiver was requested regarding the orientation of houses, the lots that were specifically affected by the waiver the committee had asked for and received additional commitments regarding those particular lots. The commitments generally included such things as landscaping, modest design like a brick wrap.
 - o Charlie Frankenberger said that the reason they do not have special commitments for those homes is because those architectural commitments are made applicable to all homes in this community. There is a first floor brick wrap requirement. The only exception to that is historical style architecture. At the last meeting Mr. Ripma asked for a cross section showing what the additional landscaping would provide to the Shelborne road, and so the petitioner presented that here showing that there would be enhanced landscaping.
- Dan Dutcher thinks that they have set a decent president as it relates to people asking for the waiver regarding the orientation of those lots and he thinks they should try to follow through with that.
 - o Charlie Frankenberger believes that the architectural commitments, which apply to all homes might be on par with or a notch above the special architectural requirements made by others in connection with a frontage place waiver.
- It was asked that the department look at the architectural requirements of Abney Glenn and compare it with special architectural guidelines for other developments requesting a frontage place waiver.

- Susan Westermeier spoke about the number of street cuts, and asked if there was any zoning law or anything on the amount that can be put in. She still does not like the one in the northwestern corner.
 - o Charlie Frankenberger said it was put there in case a roundabout was placed at the intersection. Even if the roundabout does not go in, the homes will still face the intersection, which he understands to be a superior view.
- Susan Westermeier also mentioned that the petitioner indicated that they would install all required trails and sidewalks and she asked if that had been documented.
 - o Charlie Frankenberger said that they would not be able to move forward unless they complied with that requirement.
 - o Susan Westermeier asked if that needed to be known at this point, in regards to any connectivity and such.
 - o Angie said that it would be shown on the construction plans.
 - o The petitioner will recognize that needs to be done.
- Susan Westermeier finished by saying that her only other concern was that she would like more written documentation because a lot of things are being said, but that she would like to see things written down.
 - o Charlie Frankenberger said that he would include in the plan commission brochures the tree preservation commitment with the drawing attached.
- Nick Rhoad had a question regarding the tree preservation for the department. He asked if city code stated for mature trees it required 40%.
 - o Angie said it depended on the type of trees, and she said she would have to look it up to verify it.
 - o Charlie Frankenberger said that off of the top of his head he thought you could not clear more than 15% of mature woodlands, more than 30% of young woodlands, or more than 45% or 50% of scrub woodlands. His understanding is that they are in complete compliance with those requirements. He does not think that anything in there has been classified as woodland.
- One of the members of the public wondered if it was appropriate to know what Scott Brewer and the petitioner have discussed, and what Scott Brewer's requests are.
 - o Charlie Frankenberger said that it would be in the tree preservation plan. They will not get a tree preservation plan or a landscape plan approved unless Scott Brewer OK's it.
- Next a member of the public asked if it was typical for the commission or the committees to review covenants and restrictions across certain issues as part of the approval process. He was wondering because he thinks it would be beneficial if the developer were going to establish the covenants and restrictions that the homeowners have some input on them.
 - o Dianna Knoll said that it is a little later in the process that that happens.
 - o Charlie Frankenberger said that they would consider the comments on the cul-de-loop and the buffering, compare requirements for architecture, and prepare a tree preservation commitment that corresponds to the drawings. Those are the commitments that the

petitioner will make and include in the next brochure. Covenants are typically prepared and recorded by a developer before the sale of the first residence, but they are not at a position to negotiate with Long Branch Estates what the covenants for Abney Glenn will be.

- Jud Scott addressed some of the landscaping issues. He said that mounding and tree preservation do not mix and so they are proposing to “beef” up the landscaping on the southern portion. They have also increased the landscaping on the eastern portion by adding more trees along the buffer. If there are questions about the lake drainage then there are Federal regulations.
 - o John Harris just wants to basically sit down with the petitioner and make sure he knows exactly what is planned there instead of just a generally statement.
 - o Charlie Frankenberger suggested planting some additional trees on the existing homeowners’ lots so as not to unnaturally crowd the trees on the Abney Glenn side.
 - o John Harris still does not know why the cul-de-loop cannot be moved farther north.
 - o The response was that they needed access to one of the driveways on the lot farther south.
 - o The petitioner thinks that they may be able to change the grade of the cul-de-loop so that as cars approach the headlights will shine on the high spot along the fence.
 - o Dianna Knoll would prefer the grading or the addition of trees rather than shortening the cul-de-loop.
- *Dan Dutcher made formal motion to forward **Docket No. 05040012 PP: Abney Glen** to the Plan Commission with a positive recommendation and all the waivers with the stipulation that the developer will 1. Produce the written tree preservation plan, 2. That the developer will work with the department to ensure that the architectural features for the lots that are subject to the waiver regarding dwellings facing thoroughfares are consistent with similar waivers that have been granted for nearby properties, and 3. That the developer work with homeowners to make reasonable accommodations regarding the cul-de-loop through either gradation and/or some reasonable tree plantings that would benefit the lots most effected, in particular the southwestern section. Susan Westermeier seconded it. Motion **APPROVED 3-0** with one abstention.*
- **Note: The public hearing was closed at this meeting.**

3. Docket No. 05040026 DP/ADLS: Burford Office Park

The applicant seeks approval to construct a 2 building office complex on 1.73 acres in conjunction with the following rezone:

Docket No. 05040028 Z: Burford Office Park

The applicant seeks to rezone 1.73 acres from R1 and R3 to B5. The site is located at 10430 Delaware St. N and is zoned R1 and R3, and is within the Home Place District Overlay Zone.

Filed by Jim Shinaver for Burford Properties, LLC.

Representing the Petitioner:

Jim Shinaver, Nelson & Frankenberger

Dr. Lynn Burford

Debbie Shumate

Jessica Hartman

Shawn Curans

The petitioners appeared before the committee to seek rezone for the proposed development.

Petitioner Presentation

- Jim Shinaver introduced the project. He handed out an aerial map showing the underlying zoning classifications of the real estate that is adjacent to their site. He did this to show that their site is adjacent to many parcels on the western side that are zoned B-5, which is the rezone the petitioner is seeking. Another relevant point is that their property is located within the Home Place overlay district. The petitioner has also included commitments where by they have specifically limited the B-5 uses to professional office building or medical office type of uses. All the other types of uses that would be permitted in the B-5 zoning classification they would not use the property for.
- Dr. Burford is currently located in the Carmel business community, but is outgrowing her space and would like to remain in Carmel. In order for her to maintain being a part of the business community is also why she has sought out these parcels and is seeking this rezone.
- The site plan was displayed. To the west is Pennsylvania Street, more to the north is 106th, and south is 103rd. To the east is Delaware Street. The parcels that Dr. Burford is purchasing are shown with the black line. The home that is on the site is not subject to the rezone. It will remain a residential zoning classification.
- Access to the site would be off of Pennsylvania Street so that it will align with the access across the street. There will be two buildings on the site. The building to the north will be called phase 1 and will be constructed immediately upon approval. The building will be 6,708 sq. ft. The phase 2 will be the second building to the south and will not be completed immediately, but at some time in the future. All of the parking north of the phase 2 building will be constructed as well to provide for adequate parking. Any perimeter landscaping would also be provided, but the phase 2 building would not go up right away. Another portion that would be constructed immediately upon approval would be the dry detention area.
- The landscape exhibit was next displayed. The petitioner is working with the staff and the urban forester with regard to the landscape design. Not only along the buildings, but also along the front of the property they are incorporating landscaping in the available areas that allow them to do so. The petitioner said they have worked with the staff to make sure they are implementing the correct landscaping that is required by the overlay. Jim Shinaver also

spoke with Matt about the landscaping, and if needed they would have a meeting to confirm that the plan is in compliance based on the interpretation of landscaping. Two things that may potentially occur, if for some reason they are not in compliance with how they are shown, the overlay does have a 35% waiver provision that a slight waiver for the landscaping could be sought. Also if for some reason if they needed a waiver, but it did not satisfy all of the landscaping requirements, they then may have to seek a variance. The petitioner only mentioned those two alternatives to let the committee know they are out there, however they should be able to meet the overlay landscaping standards. Jim Shinaver also mentioned this because with the overlay there are a series of properties that may run into the same type of difficulties with some of the current standards. That is why the staff has put into place an amendment to the overlay that deals with some of the set back issues, because when the overlay was put into place they weren't aware of how narrow some of these lots were.

- Elevations were displayed for the committee as well as sample materials. The buildings have sloped roofs, appear residential in nature, and have a brick wrap on all four sides. The types of brick and limestone that would be used on the buildings were presented. The trash enclosures are enclosed on all four sides. The ground sign takes the same type of material that will be used in the buildings.

Petitioner's response to staff report

- Jim Shinaver spoke about the parking. In the original plan they only had 35 parking spaces. The medical office building use, however, requires one parking space per 250 feet, which means that they would be required to have a total of 42 parking spaces. What they have done is taken the eastern property line and added a row strip of parking to add 14 more parking spots. This would be wrapped with the same type of landscaping that currently exists. This site layout lets them meet 42 parking spaces and exceed it by 7 more. Based on his review of the zoning ordinance, parking in that area is not prohibited, so they are going to go ahead with that.
- In regard to drainage the site drains a little to the north and a little to the south. They have two dry detention ponds designed for the northern portion and the southern portion. There is also a regulated drain that runs down further to the south. From a meeting with Greg Hoyes they learned that the drainage can go west over to the property boundary and then take it south, or they can take it further west, across Pennsylvania over to the office park development and hook up over there. The surveyor's office agreed that the petitioner could do a private drainage easement that would allow the pipe to hook up in that direction. That way in the future for the proposed Pennsylvania road project where they will widen Pennsylvania, the Hamilton County Surveyor's Department also has a project that is supposed to coordinate with that to bring in some underground drainage pipe to feed in down to the regulated drain. If and when that occurs, the petitioner would be able to hook in at that point. The surveyor's office asked the petitioner to check the capacity numbers to make sure that capacity going in either direction would work and if that capacity is met then they will start working with the adjacent landowners to put the private easement for drainage put in place. Their understanding is that the drainage layout will work, but they just have to work

through some of the details for capacity confirmation and to work through the easement issue.

- Jim Shinaver also mentioned Mr. Hartman who is a landowner to the north and he also had some drainage questions. Once Jim Shinaver had the meeting scheduled with the surveyor's office he informed Mr. Hartman so that he might attend, however, Mr. Hartman was not able to attend. The petitioner has not been able to touch base with Mr. Hartman again, except to leave a message and so Jim Shinaver will follow up to make sure he gives him a summary.
- Mr. Hartman also had a question regarding 4 Hackberry trees, because he was concerned that they would provide too much shade. The site is required to have some trees planted in that area, however. Jim Shinaver, therefore, mailed a list to Mr. Hartman of other possible choices for trees so that Mr. Hartman might select a more suitable tree. The petitioner has not heard back from him on that issue.

Committee Questions and Comments

- Dianna Knoll asked about what happens about parking when the second building is built.
 - o The petitioner said that the parking provided is enough for both buildings.
- Angie Conn asked if the petitioner was going to include the new parking area with the rezone.
 - o The petitioner said that the legal description that was attached with notice included the legal for the office park and that residential portion. The petitioner was going to go back and make sure it was clarified directly as to the legal that applies to the rezone. The petitioner believes his client is willing to defer to staff as long as they can do the parking as they show it. He does not believe that it is any detriment to her that it is not part of the rezone that would then help to go toward the fact that the overlay line runs along the back of the properties. The petitioner would not be opposed to having the rezone stop there just knowing that that parking is permitted as part of the office park.
 - o Dianna Knoll asked if the legal description would have to include the whole thing or would the petitioner cut off the parking to go with the building.
 - o The petitioner said they would probably want to include that as the rezone, so that way the legal description would include that small row of parking.
 - o Dianna Knoll said that legal would have to be changed to go along with the rezone.
 - o Dan Dutcher asked if they would need additional notice.
 - o The petitioner said probably not because the first notice included everything.
- Nicholas Rhoad asked where employee parking might be located
 - o The petitioner said that at this point there really is no designation of what employee parking is. What they typically do when the traffic parking numbers are set up in the ordinance, and the reason they do it is one space per so many feet so that way it accommodates not only the clients that visit but also the office staff. What is shown as far as the 49 available parking spaces that they will have will accommodate what would be required for the staff as well. At this point the petitioner does not have an intention of designating any particular area.

- Nicholas Rhoad also asked what the intended staffing numbers were for the facilities operations.
- Dr. Burford said that she had 4 employees at any given time.
- Nicholas Rhoad next asked about accessible parking, and what is the minimum requirement.
 - The petitioner responded that for the 2 buildings together he believes that the requirement is 3 spaces so they will probably split it up between the 2 buildings with 2 spaces each.
- Dianna Knoll wanted to comment on the design of the building. She liked the look and thought it gave a nice transition to the residential area. She asked if all the windows were even paned or if the top two were smaller.
 - The petitioner said that they are smaller.
- Dan Dutcher asked about the original commitment in the department report for the recreation path. That does not come up in this report and so he just wanted to make sure the department is comfortable.
 - The petitioner said that he emailed Matt Griffin and said that they will commit to the financial contribution toward that path. He also said that he would make sure that the final draft of the commitment is in Angie Conn and Matt Griffin's hands prior to the plan commission meeting.
- Dan Dutcher next asked about the lighting and accommodations for lighting that blends in with the residential use of adjacent properties.
 - The petitioner said that they comply with the light spill over requirements. The first lighting as one approaches the property is around the ground sign surrounded by landscaping annuals. That sign will be lit from the ground with ground lighting.
 - The buildings themselves will have lights up under the canopy for the front of the buildings that would be down lighting onto the building. That minimizes the night lighting of the sky because those lights are all coming down.
 - Parking lot lighting would essentially have 6 poles for the majority of the lot, essentially at each one of the landscape islands. Those are 12-foot poles so they are at more at a residential scale.
 - At the back of the buildings, the lighting that they are proposing is a ballard light that is more of a pathway light to light the sidewalk such as around a hotel or commercial areas. This will provide security lighting and some lighting so that nobody will trip.
- Dan Dutcher asked if all of the light was channeled downward from the light poles in the parking area.
 - The petitioner said that he believed that all of the light was directed downward. He also said that the light did have open globes to the side, but that the majority of the light comes downward.
- Dan Dutcher asked why a clinic or medical health center would be under the prohibited uses under tab 10.
 - The petitioner said that sometimes that could be defined as almost an immediate care type of situation. Based on Dr. Burford's intended use of the property, and also the

negotiations with her sellers, it was important that they have a general office use or a medical professional office use. Such things as an immediate care center would not be allowed.

- *Dan Dutcher made formal motion to forward **Docket No. 05040026 DP/ADLS: Burford Office Park and Docket No. 05040028 Z** to the Plan Commission with a positive recommendation pending the following, 1. Confirmation by the urban forester regarding the landscaping plan, 2. Addition of written commitments regarding monetary contribution for 10-foot path along Pennsylvania, 3. The legal description to include the extra parking lot, and 4. Confirmation the drainage is going to the west. Susan Westermeier seconded it. Motion **APPROVED** 3-0 with one abstention.*

Docket No. 05050005 PP: Yorktown Woods - Primary Plat

The applicant seeks to plat a residential subdivision of 33 lots on 12.4 acres.

Docket No. 05050006 SW: 07.05.07 (2) – Woodlands

The applicant seeks to remove 44% percent of the existing young woodlands (ordinance permits only 30% clearing). The site is located S of Laura Visa Drive Stub/E of SR 431.

The site is zoned R1/Residential.

Filed by Gary Merritt.

Representing the Petitioner:

Charlie Frankenberger

Petitioner Presentation

- Charlie Frankenberger began by presenting an aerial photograph with the 12.4 acres outlined. Located north of 136th Street. Now occupied by a landscape business and a rented residence. Entire western boundary has frontage on Keystone Avenue. Have requested approvals necessary to develop this 12.4-acre site into 33 lots. The open space required is 20% and the open space provided is 39%. The petitioner is requesting a waiver to permit clearing of 45% of young woodlands; the ordinance permits the clearing of 30%. The plans have been slightly revised to relocate the cul-de-sac so that no portion of the pavement of the cul-de-sac is within the 30-foot buffer of the Keystone overlay. The petitioner is asking for primary plat approval not to rezone, the open space and the architectural commitments provided are significantly more than required and the density is less than what is permitted. The expected price range is from \$350,000 to \$450,000.

Department Report

- Angie Conn noted that the remonstrators had concerns with the lot sizes and the potential increase of traffic through the adjoining neighborhoods.

- Charlie Frankenberger responded by saying that Foster Estates and Laura Vista were stubbed in anticipation of further development. The additional development was expected. The density is below what is permitted under the existing classification and the traffic corresponding to the density, therefore, is lower than what was anticipated by the permitted density. The petitioner believes that the lot sizes are more than adequate. They are requesting approval under the residential open space ordinance. The only applicable requirement is a 6-foot building separation. Charlie Frankenberger said that they far exceed the architectural requirements. The home sizes are larger. Also, the petitioner is providing for 39% of open space.
- Dianna Knoll asked how long a drive it was from the subject property through Laura Vista to the Laura Vista Drive.
 - The petitioner responded that it was about 800 feet.
- Angie Conn asked about the commission's request to explore the opportunity of a trail along the southern border of the property.
 - The Cool Creek trail does not stub to their development, but the trail is proposed to follow Cool Creek.
- Dianna Knoll asked about the petitioner using the current North Side Landscaping drive for construction traffic, because it comes out on an awkward angle on Smokey Row Road.
 - Charlie Frankenberger said that one of the concerns of Foster Estates was development and construction traffic. The petitioner, in discussions with the department and the neighbors, told them that to the extent that the city and county would permit them they would commit that development and construction traffic use the frontage road.
- Dianna Knoll asked if there was any information on the property to the east.
 - Angie Conn said that they haven't had any prospective developers.
- Dan Dutcher asked if the petitioner had a ball park figure of what the total percentage of wooded land would be post reforestation.
 - The petitioner responded that there would be approximately .95 acres of total preservation of scrub, 1.95 acres total preservation of woodland young, and 1-acre total preservation of mature. The bulk of the preservation is occurring behind the houses around the lake. There are about 4 acres total woodlands.
- Dianna Knoll commented that there really is not much to critique. There is just some opposition from the public because the entrance and exit are through the surrounding subdivisions and the density of Yorktown Woods is not the same as the surrounding subdivisions, therefore the current residents probably just do not want to be bothered with this new development which will have such an impact on them.
 - Charlie Frankenberger responded that there is some distance between this development and the Foster Estates and Smokey Ridge so it is difficult to provide any relief because there is distance, but he thinks that of all uses that might seek approval on Keystone corridor this is a fairly desirable use. The petitioner also thinks that with the tree

preservation, the commitments made, and the price point the development really does provide some desirable transition.

- Dianna Knoll wanted to know what type of commitment could be made to construction to use the north side landscaping road that is already there.
- Charlie Frankenberger said that they will commit to using only that road so long as neither the city nor the county prohibit them from doing it, and he has not been told by either that they will be prevented from doing that.
 - o Dianna Knoll asks for a written commitment to that.
 - o Charlie Frankenberger said that they will make a written commitment that they will use only that road for construction so long as neither the city nor county prohibit them from doing so.
 - o Dan Dutcher also proposed having a hotline or a troubleshooting phone line that the neighbors can use to troubleshoot some of the construction issues.
 - o Charlie Frankenberger said that they would make that available.
- Susan Westermeier asked if they knew who the builder would be.
 - o Charlie Frankenberger said that the builder had not been chosen. At the plan commission hearing they will say the name and number of the person who will be the contact person with the developer.
- Dianna Knoll asked if they would be going from the reforestation from 6 acres woodland down to just under 4 acres, and if that would be mostly the young woodlands.
 - o The petitioner responded in the affirmative.

Members of the Public were invited to speak at this time even though the public hearing was closed at the last meeting.

- Michael Elkin – 2745 Maralice Drive – Said that nobody has any misconceived notions that they do not want residential houses built there. One concern that he had was the 3.9 homes on each acre, when 25 out of the 33 plots really are about .14 to .15 acres making them pretty small. He said that there are a couple big lots that trend up that average.
- Michael Elkin also said that he was glad to have homes on this site, but he said that they were not going to be custom homes, and then they will not fit in with the other existing neighborhoods.
 - o Dianna Knoll said that as long as it meets the ordinance the committee's hands are kind of tied.
- Michael Elkin also had a concern about what was going to happen to the lots to the east of the acres there. He also mentioned that there was a concern with the traffic going up Matt Street.
 - o What happens to the existing access road that is there now?
 - Dianna Knoll said that it would probably go away.

- Charlie Frankenberger thought that it was going away.
 - The petitioner also said that with the development or potential development of this project, that road could continue to be used for construction traffic as that is developed. When they were at TAC the fire department indicated that they wanted to keep it open for secondary emergency vehicles to be able to come in, especially during the construction project.
 - It was asked what would happen to it after the construction project.
 - The fire department wanted it maintained after the project for an access point for emergencies, but not for residential traffic.
- Bill Bartelson - Foster Estates Resident – The resident asked if stubs out of Smokey Ridge existed.
 - o The petitioner responded that there were
 - o Bill Bartelson asked how many there were.
 - o The petitioner said that there were 2 dedicated stub roads with platted right-of-way for Smokey Ridge.
 - Al Keski – President of the Homeowners’ Association for Foster Estates. He said that their main concern was construction traffic. If the frontage road on Keystone could not be used then they would have traffic trying to turn off of 146th Street, which might run over the plants and curbs and then would go through a residential area with children all over. They have already dealt with construction traffic once when Laura Vista was built, but they had a developer that had signed agreements and it worked out really well. He said that they would like some kind of provision in the approval of the subdivision that if for some reason the frontage access could not be used, that there would be a signed agreement with the developer. The agreement would contain schedules with what kinds of trucks can come, when they can come when they can’t. He would like it to be a proviso of the approval that either one or the other takes place.
 - o Charlie Frankenberger wasn’t sure what would be included in the agreement.
 - o Dianna Knoll asked for a copy of the agreement that Foster Estates had with Laura Vista in regards to construction. If there were a snag in regards to using the frontage road for construction then the agreement would be the preferred route.
 - There was a question with who owned the road.
 - o The petitioner said that they looked into it. After calling the county and the City of Carmel, they were told that it was a private drive, but they are still a bit unsure.
 - o Charlie Frankenberger said that it has been there for a long time, and it has been used for a long time. Nobody has said stop using it, so he thinks that no one is going to tell the developer to not use it.
 - o Susan Westermeier was concerned with who owned the road and who would be accountable with the trucks using the road for construction.
 - o Angie Conn said that she would talk to the city engineer and look into it.
 - o Dianna Knoll said that the first course for the construction traffic is the existing road from the south entrance. If that hits a road block, then a similar agreement that was used for the development of Laura Vista with the Homeowners’ Association of Foster Estates will be used, and see if they can accommodate that way.

*Susan Westermeier made formal motion to forward **Docket No. 05050005 PP: Yorktown Woods and Docket No. 05050006 SW: Woodlands** to the Plan Commission with a positive recommendation with the condition that the petitioner will use the frontage road for all construction traffic as long as it is permitted and if not then an agreement will be set up between the developer and the Homeowners' Association of Foster Estates. Dan Dutcher seconded it. Motion **APPROVED** 3-0 with one abstention.*

There being no further business to come before the Committee, the meeting was adjourned at 8:40 PM.

Dianna Knoll

Alexia Donahue Wold, Secretary Pro Tem